United Nations S/2005/723

Security Council

Distr.: General
17 November 2005

Original: English

Letter dated 16 November 2005 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

In accordance with the decision of the Security Council (S/2005/694), I have the honour to enclose herewith a report on my visit to Ethiopia and Eritrea from 6 to 9 November 2005 in my capacity as Chairman of the Security Council Working Group on Peacekeeping Operations.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Kenzo **Oshima**
Permanent Representative of Japan to the United Nations

05-60916 (E) 181105

Annex to the letter dated 16 November 2005 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

Report on the visit to Ethiopia and Eritrea by Ambassador Kenzo Oshima

I. Introduction

1. By his letter dated 2 November 2005 (S/2005/694), the President of the Security Council informed the Secretary-General that the Council had decided to send me to Addis Ababa and Asmara to conduct a fact-finding mission on the current situation involving the United Nations Mission in Ethiopia and Eritrea (UNMEE). The terms of reference of my visit are included as an annex to that letter.

2. I visited Ethiopia and Eritrea from 6 to 9 November 2005. In Addis Ababa and Asmara, I held meetings with representatives of UNMEE, countries contributing troops and other military personnel to UNMEE and other members of the diplomatic community. In Addis Ababa, I met with Seyoum Mesfin, Foreign Minister of Ethiopia, on 7 November. On 8 November, I paid a visit to Sector East headquarters at Assab, Eritrea, on my way to Asmara. On the same date, in Asmara, I had the opportunity to meet with Colonel Zecarias Ogbagaber, Acting Commissioner, Commission for Coordination with UNMEE, and with Yemane Gebremeskel, Director of the Office of the President of Eritrea.

3. I would like to express my appreciation to the two Governments for the courtesies extended to me during the trip. I am also grateful to the Special Representative of the Secretary-General, Legwaila Joseph Legwaila, and to UNMEE for having so effectively arranged my programme and for making the practical arrangements for my travel.

II. Activities of the Mission

Meeting with the United Nations Mission in Ethiopia and Eritrea

4. I held extensive discussions with Special Representative Legwaila and his staff. I also received operational briefings on the situation from Major General Rajender Singh and his staff. According to UNMEE, the current situation is tense and potentially volatile and could deteriorate further. Both Ethiopia and Eritrea have been moving their military forces. Ethiopia has been reinforcing its military in areas adjacent to the Temporary Security Zone, while Eritrea may be doing the same outside the Zone, although UNMEE does not have full capability to verify such movement owing to the restrictions imposed by Eritrea. The restrictions have caused serious problems in terms of both operation and administration, the most serious one being the ban on helicopter flights, which has reduced UNMEE monitoring capabilities by 60 per cent and seriously affected medical evacuations. I noted the concern of UNMEE that, if the two sides continue to strengthen their military postures, the possibility of the resumption of armed conflict through miscalculation cannot be excluded, given the atmosphere of mutual mistrust.

5. On behalf of the Council, I conveyed our deep appreciation for the contributions and dedication of UNMEE staff and of the contributing countries.

Meetings with representatives of the contributing countries and other members of the diplomatic community

6. At the meetings held in each capital, the same difficult dilemma was expressed by the contributing countries: while they wish to maintain the presence of their troops and other personnel, who carry out important tasks for UNMEE, the restrictions are impeding the Mission's operation and putting their personnel at unreasonable risk. On behalf of the Security Council, I expressed deep appreciation and appealed to the representatives of the contributing countries to persevere in maintaining their presence.

7. There was a unified appeal from the contributing countries for the urgent removal of the restrictions imposed on UNMEE. At the same time, it was acknowledged that behind the action taken by Eritrea were its frustrations over the refusal of Ethiopia to accept the Eritrea-Ethiopia Boundary Commission's decision unequivocally and to proceed with demarcation of the border without preconditions. Regarding the question of how to break the stalemate, there were some differences in assessment between those based in Addis Ababa and those based in Asmara. Some considered Ethiopia's call for dialogue a more realistic approach than Eritrea's insistence on implementation of the Boundary Commission's decision "as is", while others showed more understanding of the underlying cause of Eritrea's frustrations. Despite the difficulties faced by UNMEE, many believed that its withdrawal would have devastating consequences.

Meeting with Seyoum Mesfin, Foreign Minister of Ethiopia

8. Foreign Minister Seyoum generally reiterated the position set out in his letter to the President of the Council dated 31 October 2005 (S/2005/690, annex) and the "five-point peace proposal" put forward on 25 November 2004 (see S/2004/943, annex, enclosure I) that Ethiopia "accepts in principle" the Boundary Commission's decision as final and binding. In response to my request for clarification, the Minister emphasized that Ethiopia was not asking for partial or total renegotiation of the decision, but rather believed that the decision should be implemented in a practical rather than a mechanical manner, pointing to locations to be reviewed since both Ethiopian as well as Eritrean communities and villages would be affected. He also stressed that Ethiopia and Eritrea needed to address, as the Algiers Agreements provide, not only the border issue but also a range of other issues, including economic and trade issues, compensation and access for Ethiopia to the sea, and underscored the importance of normalizing relations with a view to achieving peace and stability.

9. The Minister stated that Ethiopia had recalled its troops after the Algiers Agreements to allow UNMEE to create the Temporary Security Zone. He indicated that Ethiopia was reorganizing its positions in view of the posts vacated by UNMEE and the recent concentration of Eritrean forces, in particular in Sector West, stressing that the redeployment of troops was for defensive purposes. When I conveyed the Security Council's concern over the situation, he stated that Ethiopia would exercise maximum restraint, neither being the first party to open fire nor allowing itself to be provoked. The Minister, criticizing Eritrea for blackmailing the

Council through the imposition of restrictions on the Mission's freedom of movement, emphasized that the Council must not act in ways that would have the effect of rewarding Eritrea's actions.

Meeting with Yemane Gebremeskel, Director of the Office of the President of Eritrea

10. Yemane Gebremeskel stated that the current difficulties were a direct result of the violation by Ethiopia, namely, its refusal to accept the Boundary Commission's decision as final and binding and to fully comply with it. He stressed that only the full and faithful implementation of the decision could resolve the impasse. He criticized the Security Council for ignoring for too long the main reason for the stalemate and for failing to compel Ethiopia to accept the border ruling as provided in the Algiers Agreements and to proceed with demarcation without preconditions.

11. He rejected the idea of a special envoy of the Secretary-General, saying that it would violate the Algiers Agreements. He also rejected the expansion of the mandate of the Special Representative of the Secretary-General to include political matters.

12. I conveyed to Mr. Yemane the Security Council's concern and urged his country to exercise maximum restraint. He deplored the military build-up by Ethiopia along the border areas as provocative. He said that Eritrea wanted a peaceful solution but warned that unintended consequences could result unless the main problem was addressed promptly.

13. I raised with Mr. Yemane the risks to UNMEE personnel resulting from the helicopter flight ban. While taking note of those concerns, he pointed out that a large number of Eritrean people living near the border could be affected if armed conflict resumed as a result of the continuing failure of the Security Council to address the major issue.

III. Observations

14. I wish to present the following observations as the Chairman of the Security Council Working Group on Peacekeeping Operations:

(a) The current stalemate is filled with risk, and any incidents resulting therefrom may cause further deterioration in the situation. To avoid the resumption of hostilities between Ethiopia and Eritrea, the Security Council needs to give serious attention to the question of how to help break the stalemate;

(b) The restrictions on UNMEE and, in particular, the ban on helicopter flights, which are a clear violation of the Algiers Agreements and seriously impede the Mission's operational capabilities and put its personnel at risk, should be removed as quickly as possible. Therefore, Eritrea must be persuaded to lift the restrictions. In view of the difficulties and risks faced by UNMEE and the contributing countries, the Security Council must hasten consideration of a new resolution urging in the strongest terms that Eritrea lift the restrictions;

(c) Full acceptance of and compliance with the Boundary Commission's decision by Ethiopia must be achieved urgently. Failure to do so would be a

violation of the Algiers Agreements. In this regard, the new resolution should urge Ethiopia, for its part, to fully accept and implement the decision;

(d) At the same time, the Council should ask the Secretary-General and the countries that have influence on the two parties to launch a new series of vigorous diplomatic initiatives to break the stalemate. While the idea of a special envoy of the Secretary-General appears unacceptable to one of the parties, we should continue our efforts to engage with the parties to end the crisis. The new resolution should support diplomatic efforts to be undertaken. The Council must give careful consideration to the timing and language of such a resolution, bearing in mind the tense and delicate nature of the current situation.

15. Lastly, I wish to express my renewed appreciation to Special Representative Legwaila and his staff, as well as to the contributing countries, for their dedication to United Nations peacekeeping despite the difficulties they are facing.

United Nations S/2005/724

Security Council

Distr.: General
17 November 2005

Original: English

Letter dated 10 November 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to refer to resolution 1171 (1998), adopted by the Security Council on 5 June 1998, concerning Sierra Leone. Under paragraph 4 of the resolution, the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone is required to report to the Council on notifications received from States on the export of arms and related materiel to Sierra Leone, as well as on notifications of imports of arms and related materiel made by the Government of Sierra Leone.

Accordingly, I wish to inform you that the Committee received a notification on 3 November 2005 from the Government of the United Kingdom regarding a request for a trade licence for the export of armoured cars from Jordan to Sierra Leone for use by the Special Court. The details are as follows:

Goods: 3 x armoured Toyota landcruisers protected to North Atlantic Treaty Organization level B6

End-user: Special Court Sierra Leone
Jomo Kenyatta Road
Freetown
Sierra Leone

End-use: The vehicles are to be used to move indictees at short notice or for the protection of Special Court staff in Sierra Leone.

(*Signed*) Ronaldo Mota **Sardenberg**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

05-61023 (E) 181105

United Nations S/2005/725

Security Council

Distr.: General
17 November 2005

Original: English

Letter dated 14 November 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to paragraph 34 of my report to the Security Council dated 20 July 2000 (S/2000/718), in which I expressed my intention to appoint a senior official to be based in Beirut to help coordinate United Nations activities with regard to southern Lebanon. I also have the honour to refer to my letter to the President of the Security Council dated 29 March 2005 (S/2005/216), in which I expressed my intention to appoint Geir Pedersen as my Personal Representative for southern Lebanon.

In view of the increased scope of United Nations activities in Lebanon and following an internal review of mandates and relationships among United Nations entities in Lebanon, I have decided to expand Mr. Pedersen's mandate to include coordination of United Nations political activities for the whole of Lebanon. Accordingly, the title of the post will be changed to Personal Representative of the Secretary-General for Lebanon. I have informed the Government of Lebanon of this decision.

The aim of this decision is to achieve greater coherence and coordination in United Nations activities in Lebanon, and at the same time it enables the various United Nations agencies, funds, programmes and missions to continue to operate effectively under their existing mandates.

I would appreciate it if this letter were brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-61017 (E) 181105

United Nations S/2005/726

Security Council

Distr.: General
17 November 2005

Original: English

Letter dated 17 November 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 14 November 2005 (S/2005/725) concerning your decision to change the title of Geir Pedersen to Personal Representative of the Secretary-General for Lebanon and to expand his mandate to include coordination of United Nations political activities for the whole of Lebanon has been brought to the attention of the members of the Security Council. They take note of the information and the decision contained in your letter.

(*Signed*) Andrey I. **Denisov**
President of the Security Council

05-61011 (E) 181105

United Nations S/2005/727

Security Council

Distr.: General
21 November 2005

Original: English

Draft resolution

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004 and 1575 (2004) of 22 November 2004,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the High Representative's continued role in Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

Recalling all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Further recalling the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (EUFOR), the Senior Military Representative and personnel of the NATO Headquarters Sarajevo, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the Ministerial meetings of the Peace Implementation Conference,

05-61317 (E) 211105

Recognizing that full implementation of the Peace Agreement is not yet complete, while *paying tribute* to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the ten years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while *recognizing* the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Noting the reports of the High Representative, including his latest report of 14 October 2005 (S/2005/698, annex),

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994 and the statement of its President on 10 February 2000 (S/PRST/2000/4),

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of EU Foreign Ministers at their meeting of 13 June, which refer to the requirement for EUFOR to remain in Bosnia and Herzegovina beyond 2005, and confirm the EU's intention to take the steps necessary to that end,

Recalling the letters between the European Union and NATO sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement (S/2004/916; S/2004/915),

Further recalling the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for EUFOR and the NATO Headquarters presence (S/2004/917),

Welcoming the European Union's increased engagement in Bosnia and Herzegovina and the continued engagement of NATO,

Further welcoming tangible signs of Bosnia and Herzegovina's progress towards the European Union, and, in particular, the decision by the EU to open negotiations with Bosnia and Herzegovina on a Stabilization and Association Agreement, and *calling* on the authorities in Bosnia and Herzegovina to implement in full their undertakings, including on police reform, as part of that process,

Determining that the situation in the region continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* once again its support for the Peace Agreement, as well as for the Dayton Paris Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex) and *calls upon* the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Former Yugoslavia, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State, able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and *underlines* that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes* its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and *reaffirms* that under Annex 10 of the Peace Agreement the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses* its support for the declarations of the Ministerial meetings of the Peace Implementation Conference;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for the EU force and the continued NATO presence and their confirmation that both are the legal successors to SFOR for the fulfilment of their missions for the purposes of the Peace Agreement, its Annexes and Appendices and relevant United Nations Security

Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with Annexes 1-A and 2 of the Peace Agreement and relevant United Nations Security Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (EUFOR), and in the continued NATO presence, established in accordance with its resolution 1575 (2004), and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (EUFOR) and by maintaining a continued NATO presence;

9. *Welcomes* the EU's intention to maintain an EU military operation to Bosnia and Herzegovina from November 2005;

10. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of 12 months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that the EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of NATO to continue to maintain a presence in Bosnia and Herzegovina in the form of a NATO Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with EUFOR and *authorizes* the Member States acting through or in cooperation with NATO to continue to maintain a NATO Headquarters as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with EUFOR in accordance with the arrangements agreed between NATO and the EU as communicated to the Security Council in their letters of 19 November 2004, which recognize that EUFOR will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both EUFOR and the NATO presence as they have applied to and in respect of SFOR and that therefore references in the Peace Agreement, in particular in Annex 1-A and its appendices, and relevant resolutions to IFOR and/or SFOR, NATO and the NAC shall be read as applying, as appropriate, to the NATO presence, EUFOR, the European Union and the Political and Security Committee and Council of the European Union respectively;

13. *Expresses* its intention to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with Annexes 1-A and 2 of the Peace Agreement, *stresses* that the parties shall continue to be held equally responsible for the compliance with that

Annex and shall be equally subject to such enforcement action by EUFOR and the NATO presence as may be necessary to ensure implementation of those Annexes and the protection of EUFOR and the NATO presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR or the NATO Headquarters, in defence of the EUFOR or NATO presence respectively, and to assist both organizations in carrying out their missions, and *recognizes* the right of both EUFOR and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of EUFOR, the NATO presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the EU and the Member States acting through or in cooperation with NATO to report to the Council on the activity of EUFOR and NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to *provide* appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation for* the deployment by the EU of its Police Mission (EUPM) to Bosnia and Herzegovina since 1 January 2003;

21. *Also requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (S/1996/1012), and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

22. *Decides* to remain seized of the matter.

United Nations S/2005/728

Security Council

Distr.: General
21 November 2005

Original: English

Fifth report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1602 (2005) of 31 May 2005, by which the Council extended the mandate of the United Nations Operation in Burundi (ONUB) for a period of six months, until 1 December 2005. In that resolution, the Council requested me to submit by 15 November 2005 recommendations on the role of the Mission in supporting Burundi, including possible adjustments to the Mission's mandate and force strength, in accordance with progress made on the ground. The report also provides an update on major developments in the peace consolidation process in Burundi since my previous report, dated 14 September 2005 (S/2005/586).

II. Assessment mission

2. A multidisciplinary United Nations assessment mission led by the Department of Peacekeeping Operations, and comprising representatives of the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Department of Safety and Security, the United Nations Development Programme (UNDP), the United Nations Development Group, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the World Bank visited Burundi from 16 to 23 October 2005. Under the overall supervision of my Special Representative, and working with ONUB and the United Nations country team, the mission evaluated the security situation on the ground, the overall peace consolidation and national recovery process, and the role the United Nations could play in support of these efforts in the next phase.

3. The mission met with a wide cross-section of Burundian and international stakeholders. The First Vice-President, Martin Nduwimana, the Second Vice-President, Alice Nzomukunda, the President of the Senate, Gervais Rufyikiri, and several Government ministers received the mission and provided their assessments of the overall situation in the country and the region as well as their views on key challenges facing the country.

05-60925 (E) 221105

III. Political developments

4. During the reporting period, further steps were taken to advance the peace process, including the successful conduct of elections at the *colline* (village) level and progress in the disarmament and demobilization of former combatants, in particular the civilian militias. The rate of return of refugees further increased, and their resettlement, together with that of internally displaced persons continued. In addition, the Government of President Pierre Nkurunziza began identifying its priority tasks. Meanwhile, despite the efforts of the Government and international partners, the Palipehutu-Forces nationales de libération (FNL) of Agathon Rwasa has remained outside the peace process. Violent attacks by FNL on Government forces and innocent civilians, and confrontations between the National Defence Force and FNL continued, especially in some western provinces.

5. The *colline* elections were successfully conducted on 23 September 2005. Some 44,724 independent candidates contested 14,560 *colline* administrator posts in the elections, which were held in a generally peaceful atmosphere and were marked by a moderate voter turnout. ONUB provided technical and logistic assistance to the National Independent Electoral Commission in organizing the elections and coordinated closely with the Government regarding the provision of security during the polls. The conduct of the *colline* elections completed the national electoral process, which began on 28 February with the holding of the referendum on the post-transitional Constitution.

6. The new Cabinet met for the first time on 9 September, and has tentatively identified the following priorities for the Government: restoration of peace and democracy; completion of security sector reform; combating corruption; improving living conditions for the people of Burundi; addressing security issues, including reducing crime rates; and the promotion of regional cooperation. Steps have also been taken to curb public expenditure and new accountability measures have been introduced for Government officials, who are now required to declare their financial assets. Meanwhile, President Nkurunziza and Cabinet members have undertaken consultative visits throughout the country to assess the major challenges being faced by the population.

7. Following the announcement by President Nkurunziza on 26 August that primary education would be free in Burundi, a significant increase in the enrolment of primary school students was recorded in September.

8. The reporting period also witnessed some political friction. Shortly after his election on 29 October as president of the Front pour la démocratie au Burundi (FRODEBU), Léonce Ngendakumana announced that his party was considering withdrawing from the Government unless the decision-making process became more inclusive. On 4 November, the FRODEBU parliamentary group issued a statement expressing concern over the arbitrary arrests of some its members accused of belonging to FNL. In this regard, leaders of both FRODEBU and the Unité pour le progrès national (UPRONA) continued to express some concerns about perceived restrictions on political participation.

9. On 30 October, the Conseil national pour la défense de la démocratie (Nyangoma) also issued a statement addressed to the Government, expressing concern over continuing insecurity in the country, including incidents of arbitrary arrests, torture and human rights violations, despite the Government's promises for a

tangible improvement in the human rights situation following the end of the transitional period.

Contacts with FNL

10. Since its installation, the Government has repeatedly stated its intention to pursue talks with FNL and in September established a team to negotiate with the group. However, through its spokesman, FNL has sent conflicting messages. On 10 September, following his previous declarations that his movement did not recognize the Government and would not negotiate with it, the spokesman indicated that the armed group would negotiate only with the involvement of the international community. On 14 September, he announced that an 80-member delegation had been established to participate in negotiations. FNL has also declared as a precondition for talks that an investigation be carried out into violations of the cessation of hostilities agreement reached with the Transitional Government on 15 May. On 8 October, elements claiming to be from FNL, headed by Jean-Bosco Sindayigaya, a former deputy to the FNL leader, Agathon Rwasa, proclaimed that the leadership of the armed group had been suspended and that this new faction was prepared to negotiate with the Government. The situation regarding the leadership of FNL remains unclear.

11. On 6 October, the Government announced that, unless the armed group agreed to enter into negotiations before 31 October, it would take adequate measures to bring it to the negotiating table, willingly or by force. On 29 October, President Nkurunziza announced that measures would be taken to curb FNL activities, expressing his view that the FNL question would be resolved within two months.

12. Meanwhile, as requested by the Great Lakes Regional Peace Initiative on Burundi, the Government of the United Republic of Tanzania has continued efforts to facilitate talks between the Government and FNL.

Regional aspects

13. At a meeting held on 16 September in New York, Burundi was included in the Tripartite Joint Commission, which is facilitated by the United States of America and comprises the Democratic Republic of the Congo, Rwanda and Uganda. The renamed Tripartite Plus Joint Commission agreed that military and diplomatic pressure on all militias on the member States' territories would be continued to ensure their disarmament and repatriation or reintegration, and that sanctions would be imposed on such armed groups should they refuse to disarm voluntarily before 30 September.

14. At a further meeting of the Tripartite Plus Joint Commission on 21 October in Kampala, the Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda agreed to take measures against the armed groups operating in the eastern Democratic Republic of the Congo and neighbouring countries, including FNL. The measures include prosecution and extradition of the groups' leaders, as well as the imposition of travel bans and financial restrictions against them, and consideration of designating the groups as terrorist groups.

Burundi Partners' Forum

15. Following a briefing to the Security Council on 18 September, my Special Representative for Burundi has continued consultations with the Government and international partners regarding the Burundi Partners' Forum. On 18 October in Bujumbura, ONUB convened an informal meeting to launch the Forum, which brought together representatives of the African Union, the Regional Initiative on Burundi, neighbouring countries, the United Nations and donors. It was agreed that the Forum would meet regularly to consult on how to support the efforts of the Government to consolidate peace and promote recovery and development in Burundi. Furthermore, periodic plenary meetings would be held with the participation of all interested international partners. The Forum could also serve as a link with the Peacebuilding Commission, expected to be established by December, should Burundi be selected for its early consideration.

Security Council mission

16. A mission of the Security Council visited Bujumbura on 8 and 9 November as part of the Council's sixth visit to the Great Lakes region since 2000. The mission met with President Nkurunziza and held consultations with a Government delegation led by the Minister of External Relations and Cooperation. The mission also met with the leaders of the main political parties represented in Parliament and civil society organizations working on transitional justice and judicial reform. While congratulating the people and Government of Burundi for the peaceful transfer of authority to an elected Government, the mission encouraged all stakeholders to continue to work together in a spirit of dialogue and consensus and to respect the principle of power-sharing enshrined in the Constitution. The mission also noted the challenges facing the Government in the post-transitional period as it works to consolidate peace and urged the Government to establish its priorities for the future. Underscoring the continuing commitment of the international community, and the United Nations in particular, to assist the Burundian authorities in consolidating the achievements of the peace process, the mission suggested that Burundi could benefit greatly from the support of the Peacebuilding Commission, once established.

17. For its part, the Government of Burundi noted that reconstruction, development, good governance, human rights and the return of refugees were its key priorities and that the United Nations should primarily focus on providing reconstruction and development assistance. The mission noted the Government's priorities and approach concerning the international community's support for its efforts in this new phase of peace consolidation. However, the mission cautioned against a hasty drawdown of ONUB. The Government undertook to continue to review with the United Nations the modalities for the withdrawal of ONUB, which it agreed should be gradual and progressive.

IV. Security situation

18. During the reporting period, the security situation in most areas of the country remained generally stable. However, attacks by FNL and clashes between the National Defence Force and FNL elements increased in the western provinces of Burundi. As a result, the population, particularly in Bujumbura Rural and Bubanza Provinces, continued to suffer from violence and intimidation. Furthermore, high

crime rates were reported throughout the country. Actions taken by alleged members of the *Gardiens de la paix* in the context of their disarmament also caused disruptions in some areas.

V. Challenges ahead

19. Significant progress has been made in Burundi and the successful conclusion of the transitional process was a major benchmark. The installation of the democratically elected Government has created new circumstances in the country and new opportunities for cooperation with international partners to build on the gains made so far. At the same time, the situation remains fragile and the assessment mission (see paras. 2 and 3 above) examined a number of daunting challenges that urgently need to be addressed in order to ensure the restoration of stability.

A. Key security challenges

1. Inclusion of FNL in the peace process

20. FNL, operating as an armed rebel group, continues to pose a major security threat, particularly in the western provinces, and constitutes the main obstacle to the attainment of a comprehensive peace in Burundi. In addition to the severe impact that the continued clashes between the National Defence Force and FNL have on the civilian population, the special security measures taken in the affected provinces, including the continued imposition of curfews, have a negative impact on economic recovery efforts. A solution to the FNL question, preferably through (a) the conclusion of a comprehensive ceasefire agreement, (b) the disarmament, demobilization and reintegration of the group's combatants and (c) its inclusion in the peace process, will be crucial to restoring peace throughout the national territory. Alternatively, a continued lack of progress might lead to the need for a combination of additional actions, including more robust measures being taken against the intransigent elements.

2. Building the capacity of the security sector

21. Security sector reform and progress in strengthening the capacity of the National Defence Force and the national police will be vital for the effective maintenance of security nationwide. There has been some progress in this regard; the Government has indicated its intention to develop sustainable, fully integrated, professional and apolitical national armed forces and a police service capable of ensuring external and internal security, under civilian authority and respecting human rights standards. However, the Government has yet to develop a comprehensive programme for the implementation of security sector reform. Parliament has also yet to adopt legislation submitted by the Government on the status of personnel in the armed forces and the national police, including measures to raise salary levels in the military commensurate with those in the region.

22. Following a successful reintegration process, the National Defence Force now comprises some 33,000 military personnel. The Government has committed itself to reducing the force to 25,000 personnel by December 2007. At least 2,500 army personnel need to be demobilized by the end of 2005 within the framework of the

Government's national demobilization, reinsertion and reintegration programme. It will be important for the force to be gradually reduced to a size that is financially sustainable.

23. Additional key challenges facing the National Defence Force, which the Minister of Defence and Former Combatants identified to the assessment mission, include shortfalls in accommodation, disparities in the levels of training among personnel, lack of equipment, particularly in the provinces, and a general lack of resources. While several international donors are providing some support in the areas of basic training, leadership and managerial capacity-building and improving accommodation, sustained and comprehensive assistance is required, particularly in terms of specialized training, equipment and communications infrastructure.

National police

24. Significant progress has been achieved in the establishment of an integrated national police force. This has included the integration of some 20,000 officers into the national police, 1,012 of them women, originating from five different police agencies, the former Armed Forces of Burundi and the armed political parties and movements; the adoption of a new organizational and rank structure; and the appointment of an integrated leadership. Since May, ONUB has certified 192 of 284 participants in a "train-the-trainer" programme it developed for the national police. In addition, since August, ONUB, in cooperation with the non-governmental organization RCN Justice et Démocratie, has trained 183 national police officers in criminal investigations and forensics. On the basis of modules developed by ONUB, a three-month training programme for 2,300 national police officers started in October, conducted by 140 of the newly certified trainers and some 15 ONUB police officers at 24 training centres in the country. In addition, assistance is being provided by several donors to strengthen the national police in the areas of logistics and leadership training.

25. At the same time, the national police force continues to face challenges that limit its effectiveness, including the lack of police experience among many of the new personnel; a general lack of training; and major shortfalls in equipment and logistics which will require sustained donor support.

3. Completion of disarmament and demobilization and progress towards reintegration of former combatants

26. There has been considerable progress in the disarmament, demobilization and reintegration programme. As at 16 October, 17,459 combatants of the former Armed Forces of Burundi and members of the armed political parties and movements had been demobilized, including 3,007 children and 482 female combatants.

27. While, as at 10 October, the Government had disarmed and disbursed allowances to 2,849 members of the *Gardiens de la paix* and 1,704 *Combattants militants*, the process has been repeatedly interrupted by problems concerning the accuracy of the lists of the *Gardiens de la paix* and was again suspended in mid-October. This resulted in protests, including demonstrations and the barricading of roads, which caused insecurity in several areas of the country. The Ministry of Defence and Former Combatants has deployed verification teams to review the lists of the *Gardiens de la paix* and it is now expected that the disarmament and payment processes will be completed only by March 2006.

Civilian disarmament

28. The possession of large numbers of small arms by the population in Burundi and the active cross-border trade in arms pose a significant threat to efforts to reduce crime and banditry and restore security in Burundi. In April, the Transitional Government established a National Commission for Civilian Disarmament to address this problem, but little progress has been achieved to date.

Reinsertion and reintegration

29. The phased provision of transitional reinsertion payments to former combatants over a 10-month period has proceeded smoothly under the national disarmament, reintegration and reinsertion programme, which is financed by the World Bank and donors to the Multi-Country Demobilization and Reintegration Programme for the Great Lakes region. However, the provision of reintegration assistance to ex-combatants through the National Commission for Demobilization, Reinsertion and Reintegration commenced only recently.

30. The number of reintegration support projects being undertaken by implementing partners, including vocational training, small enterprise development, income-generating activities, access to secondary and tertiary education and employment referral, has so far been limited. It is, however, expected to increase significantly by the end of the year. The demobilization, reintegration and recruitment prevention project, implemented jointly by UNICEF and the Government's National Structure for Child Soldiers and financed by donors to the Multi-Country Programme, has also provided reintegration assistance to children associated with fighting forces.

4. Reintegration of refugees and internally displaced persons

31. The expected return of very large numbers of refugees and internally displaced persons to their areas of origin in the coming months and their reintegration pose enormous challenges for the Government and international partners. Against the backdrop of the significant political progress in the country, the improving security situation and enhanced confidence related to the ONUB military presence in areas of return, refugee returns have tripled over the past four months. They rose to over 18,000 in October, bringing the number of returnees so far in 2005 to more than 60,000. With the assistance of UNHCR, 281,731 refugees returned from the United Republic of Tanzania from April 2002 to October 2005. Some 426,521 Burundian refugees remain in the United Republic of Tanzania, Rwanda and the Democratic Republic of the Congo. The number of internally displaced persons living in sites for the displaced decreased from 145,000 in 170 sites in 2004 to 117,000 in 160 sites in 2005. Returns of the displaced have continued since early 2004, particularly in the southern provinces, and are expected to increase in 2006. Many internally displaced persons and refugees have returned to areas devastated by war, finding their homes destroyed and their land occupied, which often leads to disputes. The situation of women returnees, particularly widows, is further exacerbated by the lack of adequate legislation to address their inheritance and land access rights. UNHCR, the World Food Programme (WFP) and other members of the United Nations country team are continuing to provide basic assistance to the returnees, especially in the areas of food, shelter, education and health.

32. If the security situation remains favourable, UNHCR estimates that another 150,000 to 390,000 refugees could be repatriated during 2006, putting enormous pressure on the already fragile environment in areas of return and significantly heightening the risks for increased disputes over property, land ownership, access and scarce resources. Furthermore, in accordance with joint UNHCR-ONUB contingency planning for what is expected to be the biggest UNHCR operation in 2006, a successful large-scale return of refugees will depend on the availability of extensive logistic support, including for the repair of routes used by returnees and the provision of the necessary means of transportation. Adequate security resources for the protection of humanitarian actors supporting the returnees will also be required, including at some 15 transit camps expected to be established by UNHCR early in 2006.

5. Regional aspects

33. The volatile security situation in some border areas in Burundi, particularly along the border with the eastern Democratic Republic of the Congo, where armed groups continue to operate, poses a threat to stability in the country. Reports indicate that elements of FNL, the Forces démocratiques pour la libération du Rwanda (FDLR) and armed Congolese elements are continuing to move illegally to and from Burundi and the Democratic Republic of the Congo. Meanwhile, cross-border trafficking in arms and natural resources and other criminal activities are also continuing. The reinforcement of national army and police posts in border areas, especially in the Provinces of Bujumbura Rurale and Cibitoké, has increased the Government's capacity to exert some control over the problem; however, the posts remain vulnerable to attacks by FNL. As demonstrated during the Bukavu crisis in June 2004, the eruption of violence in the Kivus could have spillover effects on Burundi, including influxes of large numbers of refugees. Possible alliances between the various armed groups also threaten stability across the region, a concern expressed by the Government of Burundi in November following reports that FDLR, FNL and the Mayi-Mayi may be planning joint incursions into Burundi and Rwanda. Progress in the extension of State authority in the Kivu Provinces of the Democratic Republic of the Congo, including efforts to curb the activities of armed groups, together with improvements in the capacity of the Government of Burundi to control the borders, would enhance the prospects of achieving overall stability in the country.

34. The influx of Rwandan asylum-seekers remains a concern and is a potential source of friction in the northern border areas. While the numbers entering the country have slowed considerably in recent months, UNHCR has reported that some 3,764 Rwandan asylum-seekers were in Burundi as at 15 October. At the request of UNHCR, the Government allocated a site in Ngozi Province to temporarily accommodate them, while requesting UNHCR support in determining their status on a case-by-case basis. Meanwhile, UNHCR, WFP and non-governmental organizations continue to provide them with basic assistance.

B. Other crucial challenges

35. While progress towards addressing the security challenges outlined above would constitute benchmarks for the return to normalcy in Burundi, the assessment

team examined several other important challenges which need to be effectively addressed to ensure the consolidation of durable peace in Burundi.

1. Promoting democracy and good governance and strengthening State administration

36. As indicated in my previous report (S/2005/586), the composition of the Cabinet and Parliament generally comply with the constitutionally mandated ethnic and gender balances. However, political party representation in the Cabinet does not fully respect the constitutional requirements. It is most important that the new Government ensures that the balances under the Constitution are maintained and that the political consultative and decision-making processes are as broad and inclusive as possible. Furthermore, transparent and accountable governance would help to allay any concerns that the various national political actors may have on such issues at this early stage in national recovery and reconciliation after years of conflict.

37. As recognized by the Arusha Agreement, the achievement of durable peace and socio-economic development will depend on the capacity of State institutions to effectively deliver basic services throughout the country and promote recovery and development. The reform of public administration is needed to ensure an ethnically balanced, non-partisan and professional cadre of public servants, and the decentralization of Government. In April, the Transitional Government began the process of administrative reform and decentralization of State administration to the local level through the promulgation of a communal law. A national decentralization policy now needs to be developed and implemented on the basis of that law. A comprehensive review of civil service procedures and practices is also needed. Another key area identified by the Government is the implementation of an effective anti-corruption programme and the strengthening of economic governance practices to ensure transparency and accountability in the management of State revenues, as part of efforts to strengthen adherence to the rule of law, help attract international investment and promote development.

38. The Government, together with international partners, is developing and implementing programmes to address public administration reform, decentralization and institutional capacity-building. A training programme for communal council administrators has started and capacity-building for newly elected members of the National Assembly and the Senate, as well as provincial governors, is also planned.

2. Strengthening the rule of law

39. The capacity of the justice system to function effectively remains severely restricted, owing to a lack of qualified personnel, resources and infrastructure. Only limited justice and prison reforms were implemented by the Transitional Government. The reform of the higher courts led to the collective promotion of some 70 Hutu judges, but few other steps were taken to rectify the system's ethnic imbalance. Judges and prosecutors continue to work under very poor conditions of service, including low salaries.

40. The poor functioning of the judicial system has resulted in severe overcrowding in prisons, with hundreds of accused persons remaining in pre-trial detention. The prison system is dilapidated, suffering from outdated infrastructure, a lack of trained staff, conditions that fall below minimum standards, and a lack of

funding to cover the basic nutritional needs of prisoners. The recent establishment of a penitentiary police presents a new challenge, as its personnel have not been trained in prison security and other specialized functions.

41. Despite the key role that an effective criminal justice system plays in the consolidation of peace, only minimal international support has been provided to strengthen this sector, which will require substantial technical and financial assistance.

3. Respect for human rights

42. The human rights situation in Burundi continues to be dominated by abuses inflicted on the civilian population, especially in Bujumbura Mairie, Bujumbura Rural and Bubanza Provinces in the context of the continuing armed conflict with FNL. While numerous reports of targeted killings, abductions, looting and extortion of the population have been attributed to FNL, ONUB has also confirmed increasing reports of serious and frequent violations perpetrated by the National Defence Force and other Government security forces, leading to protests by national and international human rights organizations. The violations include summary executions, torture, looting, extortion, forced labour and arbitrary arrests and detention, particularly of individuals suspected of supporting FNL. In most cases, no investigations have been undertaken, perpetuating the prevailing climate of impunity.

43. President Nkurunziza has stated that respect for human rights is a priority for his Government. Important first steps would be legal reforms to align national legislation with international human rights conventions ratified by Burundi, strengthening capacity and developing a plan of action to protect and promote human rights at the national and provincial levels. The strengthening of the justice system will be vital to ensuring the protection of human rights and transforming the culture of impunity through systematic investigation and prosecution of perpetrators of abuses. In view of the prevalence of sexually based violence in Burundi, national legislation concerning rape, sexual and gender-based violence should be revised as a matter of priority.

4. Transitional justice

44. The establishment of a national truth commission and a special chamber within the court system of Burundi, which was endorsed by the Security Council in resolution 1606 (2005), will be crucial to address past crimes, lay the foundation for reconciliation, and help to bring an end to the climate of impunity. These mechanisms need to be established in the context of a broader initiative to strengthen the Burundian justice system.

45. As indicated in my letter to the President of the Security Council dated 12 October (S/2005/644), the Government has expressed its support, in principle, for the establishment of the two mechanisms and has recently appointed a team to discuss the modalities of their establishment with the United Nations. In this context, a United Nations team is expected to visit Burundi early in 2006. Meanwhile, OHCHR has recommended a nationwide information campaign, a national consultative process and the holding of a national conference on transitional justice.

5. Humanitarian challenges and economic and social perspectives

Humanitarian challenges

46. Living conditions are extremely difficult for the majority of the population, 68 per cent of whom live below the poverty line. Some 90 per cent of the population depends on subsistence farming, and three consecutive years of drought, the spread of crop pests and decreased land productivity have put some 100,000 households at risk of food insecurity. Since January, WFP has distributed 45,800 tons of food to 1.3 million recipients. Furthermore, the Food and Agriculture Organization of the United Nations and partners have distributed seeds and agricultural tools to 600,000 households. However, humanitarian access to the western provinces has been hindered by the FNL-related violence, which has also caused some temporary population displacements in those areas. The continuing humanitarian crisis means that maintaining a robust humanitarian early warning system and the provision of relief assistance will continue to be key areas of United Nations activity in 2006.

Recovery and development challenges

47. Ranked 169 out of 177 countries in the 2005 UNDP human development index, Burundi faces the major challenge of promoting national recovery. The Government is finalizing a short-term national early recovery programme that is expected to focus on enhancing human security, social stabilization and the delivery of basic social services to the population. Meanwhile, the United Nations is finalizing its strategy for supporting the programme, which would aim at ensuring a sustained transition from relief to development.

48. With support from the World Bank and other international partners, the Government is also expected to finalize a full poverty reduction strategy paper by the end of 2005. The themes of the strategy paper are peace and democratic governance; economic reintegration for victims of conflict and disadvantaged groups; private sector promotion; human capital development; HIV/AIDS; and advancing the role of women in development.

49. The Government is establishing a national committee for aid coordination to be supported by joint technical working groups including the United Nations and other development partners. Increased and sustained international financial support to allow for the effective implementation of the national early recovery programme and the poverty reduction strategy paper will be essential.

Economic developments

50. Years of conflict have had a devastating impact on the economy. The gross national product per capita fell from $214 in 1992 to $110 in 2002. The Transitional Government began a programme of macroeconomic reforms, which is continuing under the Poverty Reduction and Growth Facility of the International Monetary Fund. The economy has shown signs of improvement since 2001, including an increase of 5.1 per cent in gross domestic product per capita registered in 2004.

51. Burundi has a heavy debt burden which urgently needs to be alleviated to help revive the economy and reduce poverty. Sustained satisfactory performance under the Poverty Reduction and Growth Facility, together with one year of successful implementation of the full benchmarks of the poverty reduction strategy papers,

could allow the country to start reducing its debt service under the Heavily Indebted Poor Country initiative of the World Bank by 2007.

52. The agricultural sector, which accounts for 50 per cent of gross domestic product and provides over 80 per cent of export earnings, is likely to remain the primary source of medium-term economic growth. The predominant cash crops are coffee, tea and cotton, coffee accounting for some 50 per cent of total exports. Progress has been made in liberalizing the coffee sector and small-scale agro-industries and agricultural processing have good development potential. The lack of access to electricity in Burundi significantly hinders the promotion of economic activities. Lack of private sector growth and diversification of the economy, as well as a weak financial sector, are additional challenges.

Land

53. Burundi is one of the most densely populated countries in the world and disputes over land ownership and other social inequities have been at the core of the conflict in the country. As indicated above, such conflicts are likely to intensify with the expected resettlement of large numbers of returnees in the coming months, and could be further exacerbated by declining land productivity combined with dramatic reductions in the size of cultivated areas available to each household. The Minister of Justice indicated to the assessment mission that addressing land issues was a priority for the Government. In view of rising demographic pressures, however, the development of alternative income-generating opportunities for rural communities will be essential to alleviate the pressure on land and dependency on agriculture. On 11 November, the Government announced its intention to establish a national commission on land issues and property rights.

Mines and explosive remnants of war

54. Mines and explosive remnants of war continue to impede the free movement of the population, the safe return of refugees and internally displaced persons, land use and agricultural activity, particularly along the Tanzanian and Congolese borders. Clearance activities have been hindered by the lack of mine-laying records. A countrywide community survey to determine the exact nature, scope and extent of the problem is being undertaken by the United Nations in collaboration with the Government and non-governmental organizations, and is expected to be completed by February 2006.

VI. Role of the Mission in the next phase

55. In discussions with the assessment mission, members of the Government of Burundi expressed appreciation for what was viewed as the indispensable role played by ONUB in support of the elections and the successful completion of the transitional process. It was their general view that security had been restored in most areas of the country, and that international support, including that of the United Nations, should now be particularly focused on assisting in institutional capacity-building and supporting recovery, reconstruction and development. Consequently, the Government indicated that it favoured an early withdrawal of the ONUB military component, while acknowledging the important role ONUB could continue to play in support of the Government's efforts in other critical areas.

56. A joint Government of Burundi-ONUB technical working group held extensive consultations in Bujumbura from 4 to 14 November to consider the nature of the support that ONUB could provide in the next phase. The major challenges in consolidating peace were discussed and ONUB and other United Nations partners highlighted all the areas related to the Mission's mandate in which its support might continue to be very useful. However, the Government indicated its strong preference for an early disengagement by ONUB in the areas of the military and police. With regard to other areas, the Burundian authorities felt that they should be progressively assumed by the United Nations country team and other international partners during 2006.

Drawdown of the military component

57. The Government indicated the readiness of the National Defence Force and the national police to address security challenges and stressed that the national security forces should assume as soon as possible all security responsibilities currently undertaken by ONUB in the 14 provinces where it considered that security had generally been restored and to which most of the refugees are expected to return. According to the Government, this would include provision of security for the personnel of UNHCR, WFP and other United Nations agencies, funds and programmes and non-governmental organizations involved in the provision of humanitarian aid and assisting with refugee returns; provision of logistic and transportation support to the activities related to the expected large-scale refugee returns; and security for the demobilization centres.

58. On this assumption, and while the need for an ONUB military presence should continue to be assessed closely, in close consultation with the Government, it is proposed that the military component of ONUB could begin its drawdown in December with the withdrawal of one national contingent. The phased withdrawal of two battalions, a level II hospital and an aviation unit from the Provinces of Kirundo, Ngozi, Cankuzo, Ruyigi, Rutana, Makamba, Gitega, Karuzi and Muyinga could be completed from April to June 2006. Troops could also be withdrawn or redeployed from Mwaro, Muramvya and Bururi during the same period. This would result in a reduction of approximately 2,000 personnel, or 40 per cent of the current authorized military strength of ONUB. It is also proposed that the number of military observers deployed throughout the country would be reduced from the current authorized strength of 200 to 120 by the end of April 2006.

59. With the completion of this withdrawal, the remainder of the ONUB force would remain temporarily deployed in the three border provinces where FNL remains active, namely Bujumbura Rural (including the city of Bujumbura), Bubanza and Cibitoké. Through area mobile operations, visible and proactive patrolling, ONUB could also continue to monitor and enhance security along the border between Burundi and the Democratic Republic of the Congo, including on Lake Tanganyika, in order to actively deter cross-border illicit activities in close coordination with the National Defence Force and MONUC. A coordination mechanism between the National Defence Force and the ONUB force would be established to coordinate actions in support of border control activities and the progressive transfer of all security responsibilities from the ONUB force to the national army and police, including the protection of civilians in those provinces. Within available resources, ONUB would also provide logistic assistance in support of UNHCR and WFP activities related to the return of refugees.

60. While it is envisaged that the withdrawal of the ONUB force could, at the request of the Government, be completed in the second half of 2006, a detailed drawdown plan for the remaining approximately 3,000 ONUB troops would be developed after a joint assessment to be carried out by ONUB and the National Defence Force in January 2006. I intend to bring that plan to the Security Council's attention in my next report, to be issued in February 2006.

61. In the meantime, the ONUB force would continue to ensure, in the areas of its deployment, the protection of United Nations personnel, facilities, installations and equipment and the security and freedom of movement of ONUB personnel, and to support the Government in its mine action activities, particularly in the area of capacity-building.

Police

62. In accordance with plans developed by ONUB in consultation with the Ministry of the Interior and Public Security, it is proposed that ONUB would continue to assist the Government in addressing immediate challenges facing the national police, particularly in the area of training.

63. ONUB could conduct, jointly with national trainers, specialized training programmes on the basis of some 40 police training manuals developed by the Mission. The training would also aim at building the capacity of the national police to deal with sexual and gender-based crimes. Human rights training modules, developed in collaboration with the ONUB human rights component, would also be used.

64. At the request of the Government, it is proposed that the ONUB police component be reduced from the current authorized strength of 120 to about 15 police trainers by the end of March 2006. This residual police presence would be based in Bujumbura.

Other areas of support

65. The Government has indicated that ONUB could play an important role in monitoring the implementation of a possible ceasefire agreement with FNL; supporting the disarmament, demobilization, and reintegration and security sector reform processes currently under way; and the monitoring and promotion of human rights, particularly through national capacity-building. Support from ONUB in the area of transitional justice, including for the establishment of a truth and reconciliation commission and special chamber, was also requested. At this stage, it is envisaged that many of those tasks would be either completed or continued through other bilateral and multilateral assistance programmes before the end of 2006.

VII. Financial aspects

66. The General Assembly, by its resolution 59/15 B of 22 June 2005, appropriated the amount of $292.3 million for the maintenance of ONUB for the period from 1 July 2005 to 30 June 2006. As at 30 September 2005, unpaid assessed contributions to the special account for ONUB amounted to $112.2 million. The

total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,193.0 million.

VIII. Observations

67. In the five years since the signing of the Arusha Agreement, the people of Burundi have taken major strides towards establishing durable peace in their country. This remarkable progress has been achieved with the support of Burundi's international partners, including the Regional Initiative, the African Union, the United Nations and international donors. Since June 2004, ONUB has played an indispensable role in supporting the successful conclusion of the transitional process.

68. The installation of an elected Government on 26 August was an important milestone towards the consolidation of peace. Today, a new constitutional order is in place, which ensures, in principle, ethnic and gender balance in democratically elected institutions. The Parliament and local administrative structures at the commune and *colline* levels have begun their work. Meanwhile, improvements in the security situation in most of the country have prompted the return of refugees and improved prospects for economic recovery.

69. The achievements made so far have been important. However, the overall situation in Burundi remains very fragile, with a range of pressing peace consolidation challenges facing a nation that has suffered decades of recurring conflict. Burundi now stands at the threshold of a new era and the international community has learned many lessons based on recent peacekeeping and development experiences. It is time to intensify efforts in support of the people of Burundi and ensure that past mistakes are not repeated.

70. An immediate and most urgent priority is to ensure that the armed conflict with FNL is brought to an end. I encourage the Government as well as the international and regional partners concerned to adopt a common approach to resolving this conflict. In this regard, I welcome the steps taken by the Government to engage in talks with FNL, and urge it to continue with these efforts, which have the support of the international community. I also strongly urge FNL leaders to seize this opportunity to join the peace process. It is essential that they engage in good faith and without any further delay or preconditions in negotiations aimed at reaching an agreement that would ensure a long-awaited end to all hostilities, which the Burundian people so greatly deserve. The efforts of the Government of the United Republic of Tanzania to bring FNL to the negotiating table are therefore commendable. However, should no tangible progress be achieved in the coming weeks, the Security Council and the region may wish to give due consideration to the use of targeted measures against those among the FNL leaders who continue to obstruct a peaceful solution.

71. The completion of security sector reform and the strengthening of the national army and police are central to the aim of restoring stability and security nationwide. Progress has been made, including the restructuring of both forces by integrating former belligerents and creating an ethnically balanced institution, for the first time since independence. However, the National Defence Force and the national police are facing massive shortfalls including in the areas of equipment, logistics, housing, transportation and training. It is vital that the Government's efforts to create a more

professional army and police under civilian authority be given all possible support. I would encourage the Government to identify as a matter of urgency the priority areas for which assistance is needed and donors to give expeditious, positive consideration to helping meet the shortfalls.

72. The completion of the disarmament and demobilization process and effective reintegration of combatants, to ensure that they do not pose a grave threat in the future to stability within the country, remains a priority task. Progress towards the disarmament of the heavily armed civilian population will also be critical to the success of the Government's efforts to reduce crime rates and further improve security throughout the country. The Government should also take steps to more effectively address the problem of illegal cross-border movements by further strengthening border controls.

73. After decades of inter-ethnic conflict, reconciliation and bringing an end to impunity to ensure accountability for atrocities committed are critical elements in laying a sound foundation for national recovery. The United Nations stands ready to assist the Government in establishing the truth and reconciliation commission and special chamber and to provide appropriate support to help to ensure that they function effectively as mechanisms to promote healing and national reconciliation. Such efforts, however, need to be part of a broader effort to strengthen Burundi's criminal justice system. At the same time, I am very concerned by the continuing and increasing human rights violations perpetrated against innocent civilians. I urge the Government to address this issue as a matter of priority and ensure that perpetrators are brought to justice.

74. There is an urgent need for capacity-building to improve the ability of the newly elected institutions to function effectively and deliver social services. At the same time, continuing progress in the decentralization process and preservation of the power-sharing arrangements under the Constitution are important aspects of peace consolidation.

75. Meanwhile, the economic and social crisis remains dangerously acute, while the expectations of the population for peace dividends have been heightened following the elections. The expected influx of hundreds of thousands of refugees and internally displaced persons in the coming months presents major social, economic, and security challenges that require an effective resettlement programme and focused community-based recovery strategies. Increased and sustained international assistance will be absolutely vital to help address the critical humanitarian situation, particularly to adequately resource the 2006 return and resettlement programmes, and also to support the Government's efforts to promote recovery, reconstruction and development. The Burundi Partners' Forum will provide a mechanism that can help to maintain focused international support for Burundi in an atmosphere of transparency and accountability.

76. I welcome the Government's intention to take effective measures to ensure sound political and economic governance, including through stemming corruption and ensuring the transparent and accountable management of public funds. This will be essential for reinforcing sovereignty and the credibility of the Government, maintaining donor confidence and promoting long-term economic and social recovery and stability. In this regard, mechanisms will be needed to effectively address governance issues.

77. I appreciate the wish of the country's leaders to assert themselves after many years of profound crisis, and I welcome the Government's stated intention to assume full responsibility for security in the country and to take the lead in addressing the daunting challenges outlined in the present report. In this regard, the views expressed by senior members of the Government on the need for an early drawdown of ONUB, in particular its military component, are understandable.

78. I do not believe that ONUB should be maintained for a day longer than needed and a rapid withdrawal from Burundi should ideally allow the international community to redirect resources that are sorely needed to address peacekeeping challenges elsewhere. However, in view of the major outstanding challenges combined with a general lack of resources to address them, as described in the present report, I would like to echo the cautionary message of the Security Council mission against a hasty or premature international disengagement, to ensure that the invaluable gains achieved by the Burundian people in recent years are not jeopardized.

79. While the United Nations is prepared to continue to provide assistance to the Government as outlined in section VI above, I appeal to the regional and international stakeholders, as well as international donors, to remain committed to Burundi in this next critical period, including by increasing their bilateral and multilateral assistance. This will be particularly important since, at the request of the Government, most of the activities of ONUB are currently expected to be completed by the end of 2006. All withdrawal plans for ONUB will be closely coordinated with the Government and undertaken after close consultation with it.

80. In the meantime, and taking into consideration the proposed adjustment in the Mission's military strength outlined in paragraphs 57 to 60 above, I would like to recommend the extension of the mandate of ONUB for a further six-month period, until 31 May 2006.

81. In conclusion, I would like to express my admiration for the women and men of ONUB, who, under the able leadership of my Special Representative, Carolyn McAskie, have continued to work tirelessly for peace in Burundi. My appreciation also goes to all staff of the United Nations system, non-governmental organizations and the many bilateral and multilateral donors for their generous contributions to the significant progress that has been made in the country.

United Nations S/2005/729

Security Council

Distr.: General
21 November 2005

Original: English

Letter dated 16 November 2005 from the Secretary-General addressed to the President of the Security Council

Since its establishment on 15 April 1995, the United Nations Political Office for Somalia (UNPOS) has been assisting my efforts to advance the cause of peace and reconciliation in Somalia through contacts with Somali leaders, civic organizations and the States and organizations concerned. UNPOS has also monitored closely the situation in and relating to Somalia and assisted me in providing periodic briefings and written reports to the Security Council.

In my report of 18 February 2005 (S/2005/89), I informed the Security Council that the United Nations had been asked by the Transitional Federal Government, the countries of the region and the international donor community to take the lead in coordinating support to implement the agreements reached at the Somali National Reconciliation Conference and establish peace and stability in Somalia. I also proposed an expanded role for the United Nations, which would include, among other duties, (a) assisting in the continuous dialogue among Somali parties for reconciliation; (b) assisting in the effort to address the issue of "Somaliland"; (c) coordinating support for the peace process with Somalia's neighbours and other international partners; and (d) chairing the Coordination and Monitoring Committee as well as playing a leading political role in peacebuilding activities in Somalia. In its presidential statement of 7 March 2005 (S/PRST/2005/11), the Security Council, inter alia, welcomed the efforts of UNPOS and noted the need to expand the United Nations presence as I had proposed.

During 2006, the main objectives of UNPOS will be to continue efforts to foster inclusive dialogue and reconciliation among the transitional federal institutions of Somalia, support the establishment of governance structures and institutions and develop plans of action for them in close coordination with the Transitional Federal Government, the United Nations country team and the international community. UNPOS will also coordinate the political and financial support of the international community to the nascent Somali institutions. Given the essential role of UNPOS at this critical juncture of the Somali peace process, it is my intention to continue these activities for the biennium 2006-2007.

I should be grateful if you could bring the present letter to the attention of members of the Security Council.

(*Signed*) Kofi A. **Annan**

05-61336 (E) 221105

United Nations S/2005/730

Security Council

Distr.: General
21 November 2005

Original: English

Letter dated 21 November 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 16 November 2005 (S/2005/729) concerning your intention to continue the activities of the United Nations Political Office for Somalia for the biennium 2006-2007 has been brought to the attention of the members of the Security Council. They take note of the information and intention expressed in your letter.

(*Signed*) Andrey I. **Denisov**
President of the Security Council

05-61342 (E) 221105